

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY (CAMDEN)

Caption in Compliance with D.N.J. LBR 9004-2(c)

Adam J. Friedman, Esq.
Friedman Vartolo LLP
85 Broad Street, Suite 501
New York, NY 10004
Attorneys for Fay Servicing LLC as servicer for
Wilmington Savings Fund Society, FBS, D/B/A
Christiana Trust, not individually but as trustee for
Hilldale Trust
P: (212) 471-5100
Bankruptcy@FriedmanVartolo.com

IN RE:

KYLE SMITH

Debtor(s)



Order Filed on January 2, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No. 17-10159

Hearing Date:

Judge: ANDREW B. ALTENBURG JR.

Chapter: 13

ORDER APPROVING LOAN MODIFICATION

The relief set forth on the following page numbered two (2) is hereby **ORDERED**.

DATED: January 2, 2018



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

THIS MATTER having come before the Court upon the Secured Creditor 's Notice of Motion for an Order approving a loan modification agreement, and the Court having examined the evidence presented, and for good cause shown, it is hereby

ORDERED as follows:

1. The Court hereby authorizes Secured Creditor and the debtor(s), to enter into a loan modification.
2. The loan modification agreement between the Secured Creditor and the Debtor(s), attached as an Exhibit to the Secured Creditor's motion, is approved.
3. In the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, Secured Creditor shall amend the arrearage portion of its Proof of Claim to zero or withdraw the claim within thirty (30) day of completion of the loan modification.
4. The Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of loan modification and all money that would otherwise be paid to secured creditor, be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by the secured creditor that the loan modification was not consummated.
5. In the event the modification is not consummated; the secured creditor shall notify the Trustee and the debtor's attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to secured creditor.
6. In the event the Proof of Claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order or other creditors in accordance with the provisions of the confirmed plan.
7. Debtors shall file an amended Schedule J and Modified Plan within twenty (20) days of the Order.

8. With respect to any post-petition orders, claims for post-petition mortgage arrears, and orders for creditor's attorney's fees which are being capitalized into the loan, secured creditor will amend any and all post-petition orders or claims within 30 days after completion of the loan modification.
9. The attorney's fees associated with the Secured Creditor's filing of this motion, in the amount of \$350.00 are deemed recoverable from the Debtor(s).
10. Communication and/or negotiations between Debtor and mortgagees/mortgage servicers about the loan modification, and the recording of the loan modification, shall not be deemed as violation of the automatic stay; and any such communication or negotiation shall not be used by either party against other in any subsequent litigation.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Kyle L. Smith
Debtor

Case No. 17-10159-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 02, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 04, 2018.
db Kyle L. Smith, 2930 N Congress Rd, Camden, NJ 08104-2912

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 04, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 2, 2018 at the address(es) listed below:

Adam Jason Friedman on behalf of Creditor Fay Servicing LLC bankruptcy@friedmanvartolo.com
Charles H. Jeanfreau on behalf of Creditor BSI Financial Services as servicer for Ventures Trust 2013-I-H-R by MCM Capital Partners, LLLP FKA MCM Capital Partners, LLC, its Trustee Charlesj@w-legal.com, BNCmail@w-legal.com

Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com

Laura M. Egerman on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not Individually but as Trustee for Ventures Trust 2013-I-H-R, A Delaware Trust bkyecf@rasflaw.com, bkyecf@rasflaw.com;legerman@rasnj.com

R. A. Lebron on behalf of Creditor FAY SERVICING LLC, as servicer for WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR VENTURES TRUST 2013-I-H-R, A DELAWARE TRUST bankruptcy@feinsuch.com

Tamika Nicole Wyche on behalf of Debtor Kyle L. Smith dpdlawyer@comcast.net, G30609@notify.cincompass.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9